

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HENRY KUEHN AND JUNE P. KUEHN

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:08CV577-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY
AND JOHN DOES 1 THROUGH 10

DEFENDANTS

ORDER GRANTING
PLAINTIFFS' [94] MOTION FOR EXTENSION OF DEADLINE
TO DESIGNATE EXPERT WITNESSES OR, IN THE ALTERNATIVE,
MOTION TO STAY THE PROCEEDINGS
AND PLAINTIFFS' [95] MOTION TO STAY

THIS cause having come on for hearing upon Plaintiffs' [94] Motion for Extension of Deadline to Designate Expert Witnesses or, in the Alternative, Motion to Stay the Proceedings, and Plaintiffs' [95] Motion to Stay, and the Court after reviewing the pleadings and hearing arguments of counsel, and being further advised in the premises, is of the opinion that said Motions are well-taken and should be granted. It is therefore

ORDERED AND ADJUDGED that Plaintiffs' [94] Motion for Extension of Deadline to Designate Expert Witnesses or, in the Alternative, Motion to Stay the Proceedings and Plaintiffs' [95] Motion to Stay should be and are hereby granted as follows:

Discovery in this matter is hereby stayed pending the ultimate resolution of [89] State Farm's Motion for Reconsideration of the August 17, 2009 Memorandum Opinion [85], Amended Order [88], and Judgment [87]. The parties are not to conduct further discovery, whether written, by deposition or otherwise, until Judge Senter has rendered an opinion and order on said motion. If either of the parties appeal Judge Senter's opinion and order on said motion, the conduct of

discovery shall be further stayed until such appeal is resolved. This stay of discovery further applies to any outstanding discovery requests by either party, as well as to any deadlines previously set forth by this Court, including, but not limited to, expert designation deadlines, the discovery deadline and the dispositive motion deadline. Upon the ultimate resolution of [89] State Farm's Motion for Reconsideration of the August 17, 2009 Memorandum Opinion [85], Amended Order [88], and Judgment [87], whether by Judge Senter or by appeal, the Court will issue an Amended Scheduling Order setting forth amended deadlines in this action.

The Court also notes that during the telephonic hearing held in this matter on January 5, 2010, State Farm acknowledged that its experts have inspected the property that is the subject of this lawsuit pursuant to the Court's [102] Order Granting Motion to Compel. Further, Plaintiffs acknowledged that the subject property is currently in their control and possession; accordingly, if Plaintiffs wish to have the property inspected by any experts of their own, they are charged with doing so prior to any further destruction or significant renovation of the property.

SO ORDERED AND ADJUDGED on this the 7th day of January, 2010.

s/ Robert H. Walker
ROBERT H. WALKER
U.S. MAGISTRATE JUDGE